

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery)
Clause with Generating Performance Incentive) DOCKET NO. 030001-EI
Factor.) FILED: October 28, 2003
_____)

**TAMPA ELECTRIC'S RESPONSE
TO CSX TRANSPORTATION'S NOTICE OF JOINDER, ETC.**

Tampa Electric Company ("Tampa Electric" or "the Company") files this its Response to CSX Transportation's ("CSX") Notice of Joinder in Claypool's Motion to Establish Separate Docket, the Citizen's Motion in Opposition to TECO's Motion for Leave to File Supplemental Testimony and Exhibits and FIPUG's Response to TECO's Motion to Alter Schedule (Notice of Joinder) and says:

1. An intervenor should not be allowed to take any action designed to delay the proceeding. Rule 25-22.039, F.A.C. specifically provides "intervenors take the case as they find it."

2. CSX has been or should have been fully aware of the existence of this docket since it was established in January 2003. The Commission's order on procedure establishing dates for filing testimony and setting the hearing date as November 12-14, 2003 was issued on January 21, 2003 and was revised on October 13, 2003 to provide intervenors additional time to file testimony.

3. CSX's attempted last minute intervention and its attempts to delay the hearing should be rejected.

4. CSX's real interest in this proceeding is laid bare in its Notice of Joinder – that is to enhance its economic interests as a transportation provider in competition with the vendor

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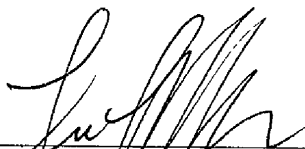
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selected to provide transportation services to Tampa Electric and to attempt to interfere with the interests of Tampa Electric because the company rejected its transportation bids.

WHEREFORE, this Commission should deny the relief sought by CSX seeking to delay these proceedings.

DATED this 28th day of October 2003.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to CSX's Notice of Joinder, Etc., filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 28th day of October 2003 to the following:

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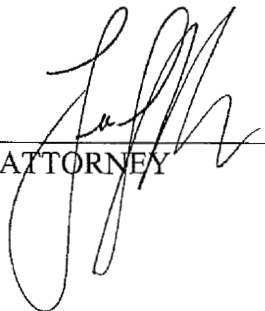
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